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Attorney for Defendant
TYREE SWINDELL

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,

v.

TYREE SWINDELL,
Defendant.

Case No. CR.S-05-0002-MCE

**STIPULATION AND ORDER;
EXCLUSION OF TIME**

Date: September 13, 2005

Time: 8:30 A.m.

Judge: Hon. Morrison C. England Jr.

IT IS HEREBY STIPULATED by and between the parties hereto through their respective counsel, ANNE PINGS, Assistant United States Attorney, attorney for Plaintiff, MARK J. REICHEL, Assistant Federal Defender, attorney for Defendant, that the previously scheduled in limine motion to exclude government's proffered 404(B) evidence and the trial conference hearing date of September 6, 2005 be vacated and the matter set for trial conference hearing on September 13, 2005 at 8:30 am.

This continuance is requested to allow defense counsel additional time to review discovery with the defendant, to examine possible defenses and to continue investigating the facts of the case.

Accordingly, all counsel and the defendant agree that time under the Speedy Trial Act from the date this stipulation is lodged, through

September 13, 2005, should be excluded in computing the time within which trial must commence under the Speedy Trial Act, pursuant to Title 18 U.S.C. § 3161 (H) (8) (B) (iv) and Local Code T4.

DATED: September 2, 2005.

Respectfully submitted,

QUIN DENVIR
Federal Public Defender

DATED: September 2, 2005.

/s/MARK J. REICHEL
MARK J. REICHEL
Assistant Federal Defender
Attorney for Defendant

McGREGOR SCOTT
United States Attorney


DATED: September 2, 2005.

/s/MARK J. REICHEL for
ANNE PINGS
Assistant U.S. Attorney
Attorney for Plaintiff

O R D E R

IT IS SO ORDERED. The court finds that the interests of justice in granting the continuance outweighs the public's interest in a speedy trial and therefore time is excluded in the interests of justice pursuant to 18 U.S.C. § 3161 (H) (8) (B) (iv) and Local Code T4.

DATED: September 6, 2005


MORRISON C. ENGLAND, JR.
UNITED STATES DISTRICT JUDGE